

### **REMARKS**

In the Official Action mailed **March 26, 2003** the Examiner reviewed claims 1-35. Claim 7 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-5, 9, 13-17, 21 and 25-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Dvarakonda et al. (U.S. Patent No. 6,424,992, hereinafter "Dvarakonda"). Claims 6, 7, 10, 18, 19, 22, 30 31, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devarakonda in view of Fielder et al. (6,105,133). Claims 8, 20, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devarakonda in view of Kennedy et al. (6,134,582).

### **Election of Species**

Applicant elected species I (claims 1-10, 13-22, and 25-33) in a phone conversation with the Examiner on March 19, 2003. Applicant affirms this election as requested by the Examiner. Non-elected claims 11-12, 23-24, and 34-35 have been cancelled without prejudice.

### **Rejections under 35 U.S.C. §112, second paragraph**

Claim 7 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "checkpointing" is not described in the specification.

Applicant has amended the specification to include a general definition for the term "checkpointing", which finds support in Shirakihara et al. (U.S. Patent No. 5,923,832, col. 1, lines 16-19 and 21-22).

Claim 9 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “initially establishing an active secure communication session between the client and the second server,” is not found in the specification.

Applicant has amended the specification to include a summary with the limitations described in claim 9.

#### **Rejections under 35 U.S.C. §102(e)**

Claims 1-5, 9, 13-17, 21 and 25-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Dvarakonda.

Applicant respectfully points out that to solve the stated problem Dvarakonda teaches the use of a TCP router (see Dvarakonda, col. 4, lines 41-48) to direct the client to the Affinity node to which the client had been previously directed (see Dvarakonda, col. 4, line 62- col. 5, line 10). Hence, in Dvarakonda, the overhead of implementing a new secure connection is avoided because the client is always routed to the **same server**. While this provides an interesting fix to the problem, in some cases it may not be possible to be routed to the same server.

In contrast, the present invention teaches a method for sharing the secure communication session with a client between a **plurality of servers**. (see page 4, lines 6-9). Hence, the present invention allows a single secure communication session to be shared between multiple servers without the additional overhead of establishing a new secure communication session between the client and each server.

Applicant has amended independent claims 1, 13, and 25 to clarify this point. Hence, Applicant respectfully submits that independent claims 1, 13, and 25 as presently amended are in condition for allowance. Applicant also submits that claims 2-10, which depend upon claim 1, claims 14-22, which depend upon claim 13, and claims 26-33, which depend upon claim 25 are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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